

US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

JUN 30 2016

DOUGLAS F. YOUNG, Clerk
By
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS

JERRY L. DONALDSON

PLAINTIFF

Vs.

CASE NO.

16-6070

THE KANSAS CITY SOUTHERN RAILWAY COMPANY

DEFENDANT

NOTICE OF REMOVAL

Defendant, The Kansas City Southern Railway Company ("KCSR" or "Defendant"), pursuant to 28 U.S.C. §1441 and §1446, hereby gives notice that this cause is removed from the Circuit Court of Garland County, Arkansas, to the United States District Court for the Western District of Arkansas. In support of this Notice of Removal, Defendant states:

1. Removal pursuant to 28 U.S.C. §1332 and §1441 is warranted because this Court has original jurisdiction of this matter.
2. Proper venue is in the United States District Court for the Western District of Arkansas, because the Circuit Court of Garland County, Arkansas is within the Western District of Arkansas.
3. Plaintiffs served KCSR with a copy of the Summons and Complaint in this matter on June 10, 2016. Therefore, this notice is filed timely within thirty (30) days of service pursuant to 28 U.S.C. §1446(b).

4. Plaintiff commenced this action by filing his Complaint in the Circuit Court of Garland County, Arkansas on April 12, 2016. The Complaint seeks compensatory damages of an unspecified amount but expressly in excess of the minimum amount required for federal diversity jurisdiction of \$75,000.00. Therefore, the amount in controversy meets the jurisdictional threshold required by 28 U.S.C. §1332(a).

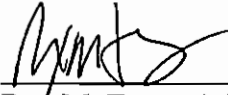
5. In the Complaint, Plaintiff alleges he is a resident of Garland County, Arkansas. The Complaint further states that KCSR is a foreign corporation. The petition contains no allegation that any Defendant is a citizen of the same state as Plaintiff. KCSR is incorporated under the laws of the state of Missouri and has its principal place of business in Missouri. Therefore, there exists complete diversity of citizenship between the parties, which establishes the original subject matter jurisdiction of this Court pursuant to 28 U.S.C. §1332.

6. Written notice of the filing of this Notice of Removal will be served promptly on the attorney for Plaintiff, and a copy thereof will be filed promptly with the clerk of the Circuit Court of Garland County, Arkansas, pursuant to 28 U.S.C. §1446(d).

7. Pursuant to 28 U.S.C. §1446(a), Defendant has attached hereto all state court process, pleadings and other papers served upon Defendant. Those consist of the following exhibits attached hereto: Exhibit A-Summons; and Exhibit B-Complaint.

WHEREFORE, KCSR prays that the above styled state court action now pending in the Circuit Court of Garland County, Arkansas, and bearing the case number CV-2016-349, be removed to the United States District Court for the Western District of Arkansas.

Respectfully submitted,



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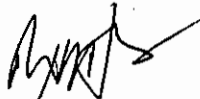
*Attorneys for The Kansas City Southern
Railway Company*

CERTIFICATE OF SERVICE

I, Rex M. Terry, one of the attorneys for the Defendant herein, do hereby certify that a true and correct copy of the above and foregoing pleading has been served upon the Plaintiff by depositing the same in the U. S. Postal Service, postage prepaid, addressed to Plaintiff's attorney as follows:

Mr. Lloyd W. "Tre" Kitchens
THE BRAD HENDRICKS LAW FIRM
500 C Pleasant Valley Drive
Little Rock, AR 72227

this 3rd day of June, 2016.



Rex M. Terry